AO 472 (Rev. 6/05) Order of Detention Pending Trial

United States District Court
Eastern District of Michigan

United States of America

     v.

STEPHEN BOWERS   /

        Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 07-30204

     In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

T (1) I find that:

> **T** there is probable cause to believe that the defendant has committed an offense
> **"** for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
> **T** under 18 U.S.C. § 2251(a). (See 18 U.S.C. § 3142(f)(1)(E)).

T (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

T I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

T I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community. - Multiple convictions for assaultive crimes, several involving dangerous weapons. Numerous domestic violence cases.

Part II – Written Statement of Reasons for Detention

T I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

> **T** (a) nature of the offense - Engaging in sexually explicit conduct with a minor to produce pornographic materials.
> **T** (b) weight of the evidence - Extremely strong, including photos and written confession.
> **T** (c) history and characteristics of the defendant -.
>> **T** 1) physical and mental condition - Disabled as a result of a head injury. Admits drug use.
>> **T** 2) employment, financial, family ties - No job, minimal prospects, but has family in Michigan.
>> **T** 3) criminal history and record of appearance - Multiple convictions for drug/property crimes.
> **T** (d) probation, parole or bond at time of the alleged offense - On probation at time of offense conduct.
> **T** (e) danger to another person or community - Admits fantasies involving sexual contact with children. Evidence indicates that defendant sodomized young girls while they were sleeping.

The actual offense conduct occurred several years ago, but defendant has not only retained the photos, he has also combined photographs of himself and young girls with pornographic images from magazines to satisfy his sexual desires. Pretrial Services views him as a danger, and I agree. Defendant faces a substantial mandatory prison term upon conviction, and the evidence is very strong. He has minimal economic ties to this area, although he is financially reliant upon government benefits. He has a strong motivation to abscond. While there is no evidence of physical abuse of young girls since the offense conduct, there is evidence that defendant's perverse appetites remain strong. I do not find that the statutory presumption in favor of detention has been overcome.

Part III – Directions Regarding Detention

     The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Date: April 16, 2007

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge